

RECEIPT # 52047
 AMOUNT \$ 150.00
 SUMMONS ISSUED 11/2
 LOCAL RULE 4.1 _____
 WAIVER FORM _____
 MCF ISSUED _____
 BY DPTY. CLK. M
 DATE 11-25

UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

EMORY ZIPPERER,

Plaintiff,

v.

RAYTHEON COMPANY,

Defendant.

03 CV 12379 MLW

MAGISTRATE JUDGE Douglas

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, defendant Raytheon Company ("Raytheon") hereby removes this action to the United States District Court for the District of Massachusetts. As grounds therefore, Raytheon states as follows.

1. Raytheon was served with the Summons and Complaint on October 29, 2003. Copies of all process, pleadings, and orders currently received by Raytheon are attached hereto as Exhibit A in accordance with 28 U.S.C. § 1446(a).
2. Pursuant to 28 U.S.C. § 1446(b), this removal notice is timely.
3. In his claim, the plaintiff brings three claims – for negligence, equitable estoppel, and negligent misrepresentation – each of which is based on Raytheon's alleged conduct as an administrator of a pension plan governed by the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. §§ 1001, *et seq.* For example, in paragraph 20, Zipperer alleges that "[b]ased on information [he] received from the [Raytheon Engineers & Constructors] Pension Administrator, [he] and his wife Mary each decided to retire, purchase a motor coach and travel throughout the United States." Zipperer alleges that the information he received from the

pension administrator was incorrect, thereby causing him to retire earlier than he otherwise would have.

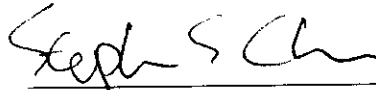
4. Zipperer's claims are governed exclusively by ERISA and are in the nature of a breach of fiduciary duty under § 502(a)(3) of ERISA, 29 U.S.C. § 1132(a)(3).

5. The district courts of the United States have exclusive jurisdiction over all claims under § 502(a)(3) of ERISA. 29 U.S.C. § 1132(e)(1).

6. Concurrent with the filing of this Notice of Removal, Raytheon is providing notice of the removal to all adverse parties and to the clerk of the Middlesex Superior Court, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Raytheon removes this action pursuant to 28 U.S.C. §§ 1441 and 1446.

RAYTHEON COMPANY
By its attorneys,



James F. Kavanaugh, Jr.

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Dated: November 25, 2003

188784.1

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document
was served upon the attorney of record for each other
party by (hand) mail on 11/25/03

